

DRUGS FOR VETERINARY USE

1248. Misbranding of medicated charcoal. U. S. v. Des Moines Incubator Co.
Plea of guilty. Fine, \$200 and costs. (F. D. C. No. 11342. Sample No. 3168-F.)

On February 2, 1944, the United States attorney for the Southern District of Iowa filed an information against the Des Moines Incubator Co., a corporation, Des Moines, Iowa, alleging shipment of a quantity of medicated charcoal on or about March 5, 1943, from the State of Iowa into the State of Nebraska.

Analysis disclosed that the article consisted essentially of charcoal impregnated with mineral salts, including small proportions of silica, calcium carbonate, and magnesium sulfate.

The article was alleged to be misbranded (1) in that the statements in its labeling which represented and suggested that the article contained menthol, methyl salicylate, and thymol, and that it contained Glauber's salt and Epsom salt in amounts sufficient to be of therapeutic importance, were false and misleading since the article did not contain menthol, methyl salicylate, or thymol, and it did not contain Glauber's salt or Epsom salt in amounts sufficient to be of therapeutic importance, but contained only insignificant amounts of Glauber's salt and Epsom salt; (2) in that the statements in its labeling, "To prevent and correct White Diarrhoea and all other forms of digestive disturbances in Chicks and Fowls * * * Guaranteed under the Food and Drugs Act June 30th 1906. Serial 13014," were false and misleading since the article would not be efficacious to prevent or correct white diarrhea or all other forms of digestive disturbances in chicks or fowls, and it had not been approved by the United States Government, and did not comply with all Federal laws relating to drugs; (3) in that the statement in its labeling, "Net Weight 5 Lbs.," was false and misleading since the cartons containing the article contained a smaller amount; and (4) in that it was in package form and its label did not bear an accurate statement of the quantity of the contents. It was alleged to be misbranded further because of false and misleading statements appearing in its labeling which represented and suggested that the article would be efficacious in the cure, mitigation, treatment, or prevention of intestinal disturbances in chicks and fowls, and cholera, white diarrhea, or other forms of intestinal complaints in chicks or fowls; that it would be efficacious to keep chicks in the best of condition and to bring relief in intestinal or bowel complaints in 24 hours; and that it would insure healthy chicks, growing stock, and matured fowls.

On May 13, 1944, a plea of guilty was entered on behalf of the defendant, and the court imposed a fine of \$200 and costs.

1249. Misbranding of Es-A-Deen. U. S. v. Hugo Heinrich Julius Schaefer
(American Research Laboratories and Schaefer Biological Laboratories).
Plea of nolo contendere. Fine, \$200. (F. D. C. No. 10610. Sample Nos. 5878-F, 6090-F.)

On December 10, 1943, the United States attorney for the Eastern District of Missouri filed an information against Hugo Heinrich Julius Schaefer, an individual trading as the American Research Laboratories and as the Schaefer Biological Laboratories, St. Louis, Mo., alleging shipment, from on or about December 13, 1942, to January 24, 1943, from the State of Missouri into the States of Tennessee and Illinois of quantities of Es-A-Deen.

Analysis disclosed that the article consisted essentially of water, small proportions of sodium sulfocarbolate, zinc sulfocarbolate, calcium sulfocarbolate, and acriflavine hydrochloride, and that it contained no bismuth carbolate or arecaline hydrobromide.

The article was alleged to be misbranded because of false and misleading statements appearing in its labeling which represented and suggested that it would be efficacious in the cure, mitigation, treatment, or prevention of colic, coccidiosis, black head, white diarrhea, and roundworms in poultry; that it would be an efficacious treatment for droopy chicks; and that, when inserted twice daily with a syringe into the crops of poultry that could not eat or drink, it would be efficacious in the cure, mitigation, and treatment of droopy chicks and the other above-mentioned conditions. It was alleged to be further misbranded in that the statements "Areocoline Hydrobromide 0.7%, Bismuth Carbolate 2.0%," appearing on its labels, were false and misleading since the article contained no arecaline hydrobromide or bismuth carbolate.

On April 3, 1944, a motion to strike was submitted to the court by the defendant and, after argument by counsel, the court, on April 4, 1944, overruled the motion, handing down the following opinion: